

**SOLICITOR AT
WORK**

**PREPARING
ANSWER**

**TO FRANK
MOTION**

Dorsey Has Dropped All
Other

Business and Will
Devote

His Time Exclusively
to New

Trial Fight

JUROR JOHENNING SAYS

HE WAS
UNPREJUDICED

He Declares He,
Henslee and

All the Others
Served

Only Through a Sense of Duty

Solicitor General Hugh M. Dorsey has dropped all other business and is devoting his exclusive attention to the preparation of his answer to the defense's motion for a new trial for Leo M. Frank.

The case is set for argument before Judge L. S. Roan on Saturday, but there is little chance of it being heard then. The amended motion is a voluminous document containing 115 different counts upon which a new trial is asked, and by devoting all of his time to it, the solicitor will scarcely be able to get his answer in shape in less than two weeks, and it is extremely probable that he will ask a postponement until at least the 18th of October.

If the Judge L. S. Roan, of the Stone Mountain circuit, the trial judge, actually hears the argument of the motion, and there is little doubt now that he will, he will be forced to delay the taking of his seat on the appellate court bench to which he has been appointed.

The Frank case, accordingly, is expected to again delay the routine business of the criminal division of the superior court, for if the hearing of the motion is postponed only two weeks. Judge Ben H. Hill, who has been named to the fourth judgeship of the Atlanta circuit, will probably not resign from the appellate bench until Judge Roan is ready to take his seat there.

The court docket is very congested at present. Thursday it was learned that Clerk J. H. Jones has docketed 185 grand jury

indictments during the month of September, breaking all records for indictments. Last September there were only seventy-three indictments returned during the month and only 172 during both months of September and October.

No regular court has been held since the May term because the Frank case has occupied the attention of the officials, and now many indictments besides those returned in September are awaiting a session of the court. It had been expected that court would convene on October 13 with Judge Hill on the bench, but it is now probable that the Frank case will delay.

SAYS CHARGE IS FALSE.

M. Johenning, one of the two Frank jurors who have been attacked in the motion, of the convicted man's attorneys for a new trial, flatly denies the charge that he was prejudiced.

"The charge is absolutely false," said Mr. Johenning, when located by a Journal reporter Thursday morning. "I have no idea who made the affidavit charging that I was prejudiced, but whoever it was, he lied.

"I didn't want to serve on the Frank jury. I would have been only too glad if I had been able to truthfully answer some of the questions so that I would have been disqualified, but I couldn't, and so had to allow myself to be held a prisoner, practically, for a month."

Mr. Johenning, who resides at 161 Jones avenue, comes to the defense of the entire Frank jury.

"There was not a man among us, who wanted to serve on that jury," he said, "but we simply couldn't lie when asked the qualifying questions, and had to serve. There was not a man of us who didn't lose money by being tied up that way for a month. It is hard to be attacked this way for what we went through from a sense of duty."

J. A. Henslee, a travelling salesman, was the other juror attacked in the amended motion for a new trial, and he could not

be located Thursday morning, it being stated by neighbors that he has recently moved from 74 Oak street, where he formerly resided, to Barnesville, Ga., the headquarters of the buggy company for which he works.

Mr. Henslee was reported, immediately after the Frank Trial to be the juror who voted doubtful on the first ballot, and thus prevented the conviction of Frank on the first vote.

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MISTRIAL GRANTED IN

AUTO ACCIDENT SUIT

Just Because Jury
Heard Wit-
ness Say Pedestrian
Should

Sue for Damages

Because the jury heard a witness testify that the owner of an automobile which struck a pedestrian said that the pedestrian should sue for damages inasmuch as the car owner was protected by indemnity insurance, Judge Reid in the city court of Atlanta Wednesday granted a motion for a mistrial for the case.

The motion was made by Van Astor Batchelor and Daniel McDougal, attorneys for the defendant, and L. C. Fischer, representing the insurance company. It was based upon the ground that the insurance company plays no legal part in solving the issues of the suit, and that whatever the court might charge the jury it would not be possible to eliminate from the jurors' minds the fact that the insurance company and not Mr. Fischer would have to pay the damage if an adverse verdict was rendered.

Judge Reid granted the new trial upon the ground that the liability of the defendant should not be affected by the fact that he was protected by insurance.

W. M. Camp, the plaintiff, is superintendent of the Pullman company in this division. He is represented in the case of Dorsey, Brewster, Howell & Heyman. The suit is for \$10,000 damages for injuries which Mr. Camp alleges he received in Peachtree street in 1912 when Mr. Fischer's automobile struck him.

Mr. Camp was on the stand Wednesday detailing to the jury the circumstances of the accident. He testified that Mr. Fischer apologized for the accident and stated that he had failed to see Mr. Camp in the street until it happened, and that Mr. Fischer advised him to claim any damages resulting from the collision inasmuch as the automobile was protected by indemnity insurance.

SLEUTH BLACK FIRED ON BY FLEEING BLACK

Detective John Black, who played a conspicuous part in the Frank case, was the target Wednesday night of four bullets from the revolver of a negro desperado when he attempted to arrest the man on the charge of selling whisky.

When Black attempted to catch the negro he darted off down Decatur street and into an alley. The detective fired twice in the darkness and gave chase. He ran upon the fugitive in the darkness when the negro opened fire, two of the bullets grazing Black's hat. Black kept on firing and Policeman Milam, attracted by the noise, entered the alley from the other end and captured the man, who gave his name at the station as Jim Mills, a laborer.

***Mob Spirit
Dominated***

***Court at Frank
Trial***

***Says
Savannah Rabbi***

Rev. George Solomon,
in His

Rosh Hashanah
Sermon,

Draws Contrast
Between

Trial of Mrs. Godbee
and

That of Leo M. Frank
– De-

clares Mob's Spirit in
At-

lanta a Blot on
Vaunted

Boast of Justice.

(Special Dispatch to the Journal.)

SAVANNAH, Ga., Oct. 2—In his Rosh Hashanah sermon at the Temple Micke Israel today Rev. George Solomon, the rabbi, touched at length upon the Leo Frank case in Atlanta and the Godbee murder case in Millen. Referring to the Phagan murder he said:

“Whatever our belief regarding the guilt or innocence of Frank, we must feel that the mob’s spirit surrounding, yea permeating, yes dominating the courtroom is a blot on our vaunted boast of justice.”

Continuing he said:

“Is it any wonder that the newspapers have recently pointed out that Georgia is gaining unpleasant prominence for its growing list of homicides, when after the Millen tragedy, after a woman in cold blood tragedy, after a woman in cold blood deliberately snuffed out two lives, not only were lawyers found capable of pleading their honor, and their belief is deity, that the murderess was innocent, but expression was freely given to the feeling that so great was the bond of the relationship and sympathy for the accused that a conviction would be impossible?”

“There are the nauseating details of the Thaw case and the revolting disclosures of the Schmidt crime, not to mention the pillage, the carnage and bloodshed in Mexico and the Balkan states, the one in the name of freedom and right, the other, God save us, in the name of religion. It is all summed up in the Sulzer case now being tried in New York. To my mind the crime is not in the personal appropriation of campaign funds, though it be nothing more nor less than plain stealing, for right here in our own city and innumerable other places, in every election, candidates and managers have committed far worse crimes, when they used the campaign fund for the purpose for which it was given to buy votes and debauch the honor and honesty of citizens.

“It would have been far better to have stolen them outright. The tragedies lie deeper in the Sulzer case. The New York

governor is the personification of the spirit of the age, the spirit which leads us on in the mad pursuit of wealth, thinking only of the glare and glitter all the advantages and seductions of wealth, careless how we obtain it.

“There is but one kind of wealth which can be honorably enjoyed, and that is what is earned by legitimate effort and labor of hand or brain. The greatest part of all existent evil is due to the fact that many of us, like William Sulzer, desire to enjoy a life of ease, reveling in public glory, and expecting by speculation and gambling to secure the means to do it with. Gambling in any form means the enriching of some at the expense of others. Far different in wealth, the product of industry and of commerce, where the largest gain is always earned through benefiting others.”